

United States District Court
Eastern District of New York

-----X

ROLAND PETITPHARE,

Plaintiff,

Order

- against -

No. 24-cv-3955 (KAM) (CHK)

THE CITY OF NEW YORK, et al.,

Defendant.

-----X

Kiyo A. Matsumoto, United States District Judge:

Based on the Plaintiff's failure to comply with Court orders and to appear at conferences, Plaintiff was warned that his case could be dismissed pursuant to Federal Rule of Civil Procedure 41(b). (See Dkt. Entries dated 6/12/2025, 7/15/2025, and 9/8/2025.) On August 22, 2025, the City of New York ("Defendant" or "The City") filed and served on Plaintiff a letter motion requesting the Court to dismiss this action for failure to prosecute under Federal Rule of Civil Procedure 41(b). (ECF Nos. 33, 34.) The next month, Magistrate Judge Kaminsky directed Plaintiff Roland Petitphare ("Plaintiff" or "Petitphare") to respond to Defendant's motion to dismiss by October 10, 2025. (Dkt. Order dated 9/08/2025.) Judge Kaminsky's order notified Plaintiff that if the Court did not receive a response from Plaintiff by the October 10 deadline that "it will consider Defendant's motion

unopposed and may issue a report and recommendation" to the undersigned recommending that Defendant's motion be granted. (*Id.*) Defendant timely served Plaintiff with the September 8 order. (ECF No. 35.) Plaintiff, however, failed to respond by October 10, and has remained nonresponsive as of the date of this order.

The following month, the Court referred Defendant's motion to Judge Kaminsky for a report and recommendation ("R&R"). (Dkt. Order dated 10/09/2025.) Judge Kaminsky subsequently entered a well-reasoned R&R on October 21, 2025, and, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2), directed Plaintiff to respond within 14 days of the R&R. (Report and Recommendation, Dkt. Order dated 10/21/2025.) Judge Kaminsky's R&R was served on Plaintiff on October 22, 2025. (ECF No. 36.) More than 14 days have elapsed since Judge Kaminsky entered the R&R and since the Defendants served Plaintiff. (R&R Dkt. Entry dated 10/21/2025; ECF No. 36.) No party has filed a written objection.

In reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see Fed. R. Civ. P. 72(b). "If no timely objection is filed, the district court need only satisfy itself that there is no clear error on the face of the record." *Nevelskiy v. Advanced Professional Group, Inc.*, 735 F. Supp. 3d 148, 152 (E.D.N.Y. 2024)

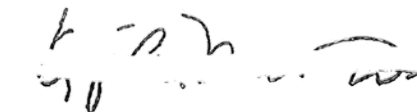
(quoting *May v. Levy*, 659 F. Supp. 3d 323, 332 (E.D.N.Y. 2023))
(internal quotation marks omitted).

After careful review of the record and Judge Kaminsky's well-reasoned R&R, the Court finds no clear error and thus adopts the R&R in its entirety as the Court's opinion. See 28 U.S.C. § 636(b)(1). Accordingly, it is

ORDERED that the R&R is adopted in its entirety and this case is dismissed pursuant to Federal Rule of Civil Procedure 41(b). Defendant is ordered to serve a copy of this Order on Plaintiff at his last known address and to file proof of service with the Court by Wednesday, November 19, 2025. The Clerk of Court is directed to enter judgment, serve Plaintiff with a copy of the judgment by November 18, 2025, and close this case.

So ordered.

Dated: November 17, 2025
Brooklyn, New York



Kiyo A. Matsumoto
United States District Judge
Eastern District of New York